

- MINUTES -

**UTAH AIR QUALITY BOARD MEETING
AUGUST 6, 2003**

I. Call To Order

John Veranth called the meeting to order at 1:34 p.m.

Board members present:

Jonathan C. Cherry
Scott Hirschi
John M. Veranth

Jerry D. Grover
Dianne R. Nielson
Richard R. Olson

JoAnn B. Seghini
James R. Horrocks
Wayne M. Samuelson

II. Dates for Future Air Quality Board Meetings

Future meetings of the Board will be held September 3, October 1, and November 5, 2003.

III. Approval of the Minutes of the July 2, 2003, Air Quality Board Meeting

Richard Olson made the motion to approve the minutes of the July 2, 2003, Air Quality Board meeting. JoAnn Seghini seconded the motion. The motion passed.

IV. Final Adoption: R307-840, Lead-based Paint Accreditation, Certification and Work Practice Standards

Presenter: Bob Ford, Lead-based Paint Program Coordinator

Two public hearings were held on June 18 and July 16, 2003. No written or oral comments were received. No comments were received during the formal comment period.

Staff recommends adoption as proposed. The rule changes need to be in effect by September 30, 2003.

MOTION: JoAnn Seghini made the motion to approve the final adoption of the changes to R307-840. Richard Olson seconded the motion. The motion carried.

V. Variance Request: PacifiCorp Hunter and Huntington Power Plants – Request for Variance from 20% Opacity Standard During One-time Particulate Emission Test

According to written material previously provided to the Board, PacifiCorp has determined that as part of its Title V permit renewal process, Compliance Assurance Monitoring (CAM) plans will be required for Hunter's boiler units 1, 2, and 3 exhaust stacks and Huntington's boiler unit 1 exhaust stack.

PacifiCorp is proposing to perform a particulate emission test at several different opacity values, up to 25% stack opacity. The purpose of the test is to correlate particulate emission rates with measured stack opacity for unit exhaust stacks subject to CAM.

Marv Maxell, manager of the Air Standards Branch, introduced Jennifer He, an environmental engineer with the Division, who presented an overview of CAM. CAM gives reasonable assurance of compliance to DAQ, EPA, the source, and the public. CAM monitors control systems rather than emissions.

Jim Doak, Tom Fauchaux, and Cody Allred of PacifiCorp presented the request for variance. PacifiCorp seeks a variance to relax the opacity standard for the duration of particulate testing at the Hunter and Huntington plants. The reason for this is to develop a relationship between opacity and particulate matter emissions that can be utilized in the CAM plans. It is PacifiCorp's intent to use the data to develop the CAM plans needed for their Title V permits.

The plan is to utilize [EPA] Method 5. The opacity will be increased by taking precipitator transformer rectifier sets out of service. This will decrease the precipitator's performance and increase opacity. Hunter unit 3 utilizes a baghouse, and some of the flue gas will be bypassed around the baghouse to increase opacity.

Marv Maxell suggested to the Board that PacifiCorp be given 60 days, not 30, to perform the particulate emission stack test. Mr. Maxell also suggested that staff be granted the ability to provide compliance discretion regarding the filing of the deviation report for an exceedance related to the tests that will be conducted during the next 60 days.

John Veranth asked Fred Nelson, Assistant Attorney General, to give the Board some guidance on this issue. Mr. Nelson commented that the State has, over the years, maintained that the Board has the authority to grant what's been termed an "experimental variance" for a company that's looking at a process. It's a limited variance; therefore, through the Clean Air Act and under Title V, it's been maintained that the Board has the authority to do an experimental variance. An emission limitation is not being waived on a permanent basis; an experiment is being allowed to take place. Mr. Maxell's suggestion would authorize the staff (the Board is the ultimate authority on enforcement), in the event of an exceedance of the 20% opacity limit during these tests, to exercise enforcement discretion and not issue a notice of violation.

Jerry Grover commented that EPA could overfile. Fred Nelson responded that if EPA contests this action, there's the potential they may overfile. Dianne Nielson commented that if the purpose of this variance request is to be able to set a curve to implement a program that EPA would support, then it would seem that EPA would understand the importance of performing these tests. Rick Sprott mentioned that EPA's position has, historically, been that they will not grant a variance to anything, but if it makes sense, they will use enforcement discretion to not take enforcement action on excess emissions. If the Board chooses to approve this action, DAQ will commit to discussions with EPA on this matter and keep the source informed on the results of the discussions so that there's a clear understanding of the expectations.

John Veranth summarized the proposed action of the Board:

- (1) Allow a one-time particulate emission stack test that varies stack opacity up to 25%
- (2) The particulate emission stack test must be performed within 60 days of Board approval
- (3) PacifiCorp must notify the Utah Division of Air Quality at least five days prior to the scheduled test date and of any change in the test date
- (4) There will be no more than one successful test according to the EPA method on each unit
- (5) Grant staff enforcement discretion on compliance action on the deviation report

PacifiCorp will document the results of the tests and present them to the Board as an information item at a future Board meeting.

MOTION: Jerry Grover made the motion to grant the request for variance as summarized by Mr. Veranth. Jim Horrocks seconded the motion. The motion passed.

Jim Horrocks requested that staff identify, in the report, the new lessons learned so they can be applied to future variance issues. John Veranth asked that staff research what EPA's position is on Title V variances, how other states have handled similar issues, what the Board's legal authority is, what the precedents are, and offer guidance on how to handle future variance requests from Title V sources.

VI. Information Items

Mr. Veranth welcomed Scott Hirschi, the newest member of the Air Quality Board.

A. SIPs Update (presented by Jan Miller)

Ms. Miller discussed the public outreach meetings that were held in several areas of Utah for the Regional Haze SIP. The conclusion from the meetings is that there's no serious opposition to the SIP on the part of the public.

Wyoming announced last week that they will be submitting a SIP under section 309. That brings to five the number of states (Utah, Oregon, Wyoming, New Mexico, and Arizona) that will be submitting SIPs on December 31, 2003.

A new draft of the SIP was posted on the web site on August 5. There will be a new draft for next month's Board meeting. The major changes will be in sections on stationary sources and on fire. The Regional Haze SIP will be proposed for public comment at the September Board meeting and will be presented to the Board for final adoption at the December meeting.

B. Monitoring Activities for June/July 2003 (presented by Bob Dalley)

Mr. Dalley reviewed the monitoring data for June and July, noting that fireworks have had an effect at some monitoring stations.

C. Compliance and HAPs Compliance Activities for May/June 2003

Jeff Dean and Bryce Bird were available to answer questions.

The meeting adjourned at 2:30 p.m.